REMARKS

By this amendment, Claims 7, 9, 10, 13, 15, 16, 19-20 have been cancelled, no claims have been amended, and new Claims 21-32 have been added. Hence, Claims 21-32 are pending in the application.

SUMMARY OF THE REJECTIONS

Claims 7, 9, 10, 13, 15, 16, and 19-20 were rejected under 35 U.S.C. § 103(a) for allegedly being obvious over U.S. Patent No. 6,233,600 issued to Salas et al. ("*Salas*") in view of U.S. Patent Application No. 2002/0133494 ("*Goedken*").

Claims 7, 9, 10, 13, 15, 16, and 19-20 have been cancelled herein; consequently, it is respectfully submitted that the rejection of those claims has been rendered moot. However, to facilitate examination of the pending claims, Applicants present arguments below explaining why the pending claims are patentable over *Salas* and *Goedken*, either taken individually or in combination.

THE PENDING CLAIMS ARE PATENTABLE OVER *SALAS* AND *GOEDKEN*

Each of the pending claims recites a combination of elements that are not disclosed, taught, or suggested by S*alas* and *Goedken*, either individually or in combination.

A.   Claims 21 and 27

Claims 21 and 27 feature:

> "receiving a first request from a user to create a particular content item in a particular folder associated with the web site;
> in response to the first request, inspecting permission data to determine that said user has create-with-approval privileges relative to said folder;
> in response to determining that said user has create-with-approval privileges relative to said particular folder, adding said particular content item to said particular folder in a not-publicly-visible state;
> in response to receiving input that grants approval for the particular item to be created in the particular folder, changing the state of the particular content item to a publicly-visible state;
> receiving a second request;

> in response to the second request, determining a current state of the
> particular content item;
>
> if the current state of the particular content item is the publicly-visible
> state, then responding to the second request by providing a web
> page that includes said particular content item; and
>
> if the current state of the particular content item is in the not-publicly-
> visible state, then responding to the second request by providing a
> web page that does not include said particular content item"

The Office Action acknowledges, "**Salas does not explicitly disclose the visibility of items prior to owner approval**" (page 3). However, many of the above-elements are directed towards that concept. Any element that is directed towards a concept that a reference does not show cannot be taught or rendered obvious by that reference. As a result, *Salas* cannot disclose, teach, or suggest <u>at least</u> the following elements recited in Claims 21 and 27:

> in response to the first request, inspecting permission data to determine
> that said user has create-with-approval privileges relative to said
> folder;
>
> in response to determining that said user has create-with-approval
> privileges relative to said particular folder, adding said particular
> content item to said particular folder in a not-publicly-visible state;
>
> in response to receiving input that grants approval for the particular item to
> be created in the particular folder, changing the state of the
> particular content item to a publicly-visible state;
>
> if the current state of the particular content item is the publicly-visible
> state, then responding to the second request by providing a web
> page that includes said particular content item; and
>
> if the current state of the particular content item is in the not-publicly-
> visible state, then responding to the second request by providing a
> web page that does not include said particular content item"

Salas cannot show the above elements because *Salas* does not disclose the concept of the visibility of items prior to owner approval. For example, *Salas* lacks any teaching or suggestion of "inspecting permission data to determine that said user has create-with-approval privileges relative to said folder." As another example, *Salas* lacks any teaching or suggestion of "adding said particular content item to said particular folder in a not-publicly-visible state," let alone "in response to determining that said user has create-with-approval privileges relative to said particular folder, adding said particular content item to said particular folder in a not-publicly-visible state" as featured by Claims 21 and

27. As an additional example, *Salas* lacks any teaching or suggestion of "changing the state of the particular content item to a publicly-visible state," let alone "in response to receiving input that grants approval for the particular item to be created in the particular folder, changing the state of the particular content item to a publicly-visible state" as featured by Claims 21 and 27.

Consequently, *Salas* cannot possibly disclose, teach, or suggest any of the above quoted-elements recited in Claims 21 and 27.

The Office Action also acknowledges "**Goedken does not disclose folders**" (page 3). However, many of the above-elements are directed towards that concept. Further, *Goedken* is not directed towards managing content in a web site, but instead, is directed towards asking and answering questions over email. Thus, *Goedken* **lacks any teaching or suggestion of an approach that involves a web page or a web site**. As a result, *Goedken* cannot disclose, teach, or suggest at least the following elements recited in Claims 21 and 27:

> "receiving a first request from a user to create a particular content item <u>in a particular folder</u> associated with <u>the web site</u>;
> in response to the first request, inspecting permission data to determine that said user has create-with-approval privileges relative <u>to said particular folder</u>;
> in response to determining that said user has create-with-approval privileges relative to <u>said particular folder</u>, adding said particular content item to <u>said particular folder</u> in a not-publicly-visible state;
> in response to receiving input that grants approval for the particular item to be created in <u>the particular folder</u>, changing the state of the particular content item to a publicly-visible state;
> if the current state of the particular content item is the publicly-visible state, then responding to the second request by providing <u>a web page</u> that includes said particular content item; and
> if the current state of the particular content item is in the not-publicly-visible state, then responding to the second request by providing <u>a web page</u> that does not include said particular content item"
> (emphasis added)

As illustrated above in the above-underlined portions of the quoted-elements, the above elements each require the use of a concept that *Goedken* does not teach or suggest. Consequently, *Goedken* cannot possibly disclose, teach, or suggest any of the above quoted-elements recited in Claims 21 and 27.

Thus, even if *Salas* and *Goedken* were to be properly combined, the resulting combination would still fail to disclose, teach, or suggest the union of (a) those elements in Claims 21 and 27 that *Salas* fails to disclose, teach, or suggest and (b) those elements in Claims 21 and 27 *Goedken* fails to disclose, teach, or suggest, which would include at least the following elements:

> in response to the first request, inspecting permission data to determine that said user has create-with-approval privileges relative to said particular folder;
>
> in response to determining that said user has create-with-approval privileges relative to said particular folder, adding said particular content item to said particular folder in a not-publicly-visible state;
>
> in response to receiving input that grants approval for the particular item to be created in the particular folder, changing the state of the particular content item to a publicly-visible state;
>
> if the current state of the particular content item is the publicly-visible state, then responding to the second request by providing a web page that includes said particular content item; and
>
> if the current state of the particular content item is in the not-publicly-visible state, then responding to the second request by providing a web page that does not include said particular content item"

MPEP § 2106, II, C states:

> [W]hen evaluating the scope of a claim, <u>every</u> limitation in the claim must be considered. Office personnel may not dissect a claimed invention into discrete elements and then evaluate the elements <u>in isolation</u>. Instead, the claim as a whole must be considered. (emphasis in original).

Contrary to MPEP § 2106, II, C, the Office Action argues that the combined teaching of *Salas* and *Goedken* in their entirety teaches or suggests the elements of a claim, while acknowledging the individual references do not. However, if reference A does not teach or suggest an element of a claim, and reference B does not teach or suggest the element, then logically the combination of reference A and reference B cannot teach or suggest the element. Thus, even though *Salas* or *Goedken* may each individually use some of the same words as used in a claim element, or teach a portion of the full and complete concept represented by a claim element, the combination of *Salas* and *Goedken* would still fail to teach or suggest the subject matter recited in many claim elements in their entirety.

To illustrate, to support an obviousness rejection, the Applicant would expect an argument that has the following form: (1) element X is shown in reference A, (2) element Y is shown in reference B, and (3) there is some actual suggestion to combine the references A and B to create the mechanism or technique that has both elements X and Y.

However, the Office Action does not support the obviousness rejections in that manner. Rather, to support the obviousness rejections, not only has each claim been divided into its constituent elements, but also each constituent element of the claim has been finely dissected into a set of sentence fragments. The Office Action then points out how each individual fragment corresponds to a similar fragment in a cited reference. The fragment-to-prior-art correlation appears to have been made without any consideration as to the relationship between the fragments, the meaning of the elements as a whole, and the meaning of the claim as a whole.

It is respectfully submitted that a claim may not be properly rejected simply because each word or phrase in the claim appears or is discussed in a prior art reference, without regard to what meaning is ascribed to the word or phrase given its placement in the claim.

Consequently, it is respectfully submitted that *Salas* and *Goedken*, either taken individually or in combination, do not disclose, teach, or suggest one or more express elements of Claims 21 and 27. Consequently, Claims 21 and 27 are patentable over the cited art and are each in condition for allowance.

B.   Claims 22-26 and 28-32

Claims 22-26 and 28-32 are dependent claims, each of which directly depends on one of the Claims 21 and 27. Each of Claims 22-26 and 28-32 is therefore allowable for the reasons given above for the claim on which it depends. In addition, each of Claims 22-26 and 28-32 introduce one or more additional limitations that independently render it patentable.

To illustrate, Claims 25 and 31 recite the feature of:

"in response to receiving input from a folder owner, associating a style attribute
    with the particular folder, wherein the style attribute describes how to

display content items that belong to the particular folder; and

displaying the particular content item in accordance with the style attribute"

Salas and *Goedkin*, individually or in combination, fail to disclose, teach, or suggest this element.

As another example, Claims 26 and 32 recite the feature of:

"in response to determining that said user is a folder owner or has manage-item-

privileges relative to said particular folder, adding said particular content

item to said particular folder in a publicly-visible state"

Salas and *Goedkin*, individually or in combination, fail to disclose, teach, or suggest this element.

CONCLUSION

For the reasons set forth above, it is respectfully submitted that all of the pending claims are now in condition for allowance. Therefore, the issuance of a formal Notice of Allowance is believed next in order, and that action is most earnestly solicited.

The Examiner is respectfully requested to contact the undersigned by telephone if it is believed that such contact would further the examination of the present application.

To the extent necessary, a petition for an extension of time under 37 C.F.R. § 1.136 is hereby made. Please charge any fee shortages or credit any overages to Deposit Account No. 50-1302.

Respectfully submitted,

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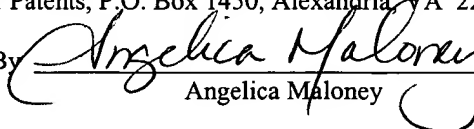Reg. No. 45,620
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On March 9, 2006   By _____
Angelica Maloney